

# SENATE BILL No. 105

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-8.1-1; IC 20-8.1-14.

**Synopsis:** Indianapolis public school vouchers. Establishes a voucher program for students having legal settlement in the area served by Indianapolis Public Schools (IPS). Allows a student's parent to request a voucher for the student to enroll in a different IPS school from the one to which the student is assigned or in an accredited nonpublic school located within the territory served by IPS. Allows the school that the parent selects to decide whether to accept the student for enrollment under the voucher program. Provides vouchers for attending nonpublic schools in an amount equal to 100% of the state aid per ADM established for IPS. Requires the parent to pay all other costs of attending the nonpublic school and to provide transportation. Prohibits enrollment of a voucher student to negate compliance with certain court orders. Provides for administration of the voucher program by the department of education.

**Effective:** July 1, 2001.

**Kenley**

January 8, 2001, read first time and referred to Committee on Rules and Legislative Procedure.



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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE BILL No. 105

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-8.1-1-14.4 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2001]: **Sec. 14.4. As used in this article,**
- 4 **"public school" has the meaning set forth in IC 20-10.1-1-2.**
- 5 SECTION 2. IC 20-8.1-1-14.6 IS ADDED TO THE INDIANA
- 6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2001]: **Sec. 14.6. As used in this article,**
- 8 **"accredited nonpublic school" means a nonpublic school that:**
- 9 **(1) voluntarily seeks; and**
- 10 **(2) receives;**
- 11 **accreditation as authorized under IC 20-1-1-6(a)(5).**
- 12 SECTION 3. IC 20-8.1-1-19 IS ADDED TO THE INDIANA CODE
- 13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 14 1, 2001]: **Sec. 19. As used in this article, "ADM" has the meaning**
- 15 **set forth in IC 21-3-1.6-1.1.**
- 16 SECTION 4. IC 20-8.1-14 IS ADDED TO THE INDIANA CODE
- 17 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE



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JULY 1, 2001]:

**Chapter 14. School Voucher Program**

**Sec. 1.** As used in this chapter, "voucher" refers to a voucher granted under the school voucher program.

**Sec. 2.** As used in this chapter, "voucher program" refers to the school voucher program established by this chapter.

**Sec. 3.** The school voucher program is established.

**Sec. 4.** On a date the department specifies that falls before the beginning of a school year, the department shall grant initial and renewal vouchers under this chapter.

**Sec. 5.** The department shall grant an initial voucher to a student who meets the following requirements:

(1) The student has legal settlement in a school corporation that:

(A) is located in whole or in part in the most populous township in a county having a population of more than seven hundred thousand (700,000); and

(B) serves the largest geographical territory of any school corporation in the township.

(2) The student's parent requests a voucher for the student.

(3) Under the voucher program, the student's parent selects a school for the student to attend that is:

(A) a public school located in the school corporation where the student has legal settlement but is a different school from the school that the school corporation has assigned the student to attend; or

(B) an accredited nonpublic school located within the same geographic territory as the territory of the school corporation where the student has legal settlement.

(4) The student's parent does not wish to enroll the student in a school under the voucher program primarily for athletic reasons.

(5) Except as provided in section 13(b) of this chapter, the principal of the school selected for the student and the superintendent of the school corporation (or equivalent authorities for a nonpublic school, if a nonpublic school is selected) jointly consent to enroll the student in the school.

**Sec. 6.** The department shall grant a renewal voucher to a student who:

(1) previously received a voucher in any year; and

(2) meets the requirements of section 5 of this chapter.

**Sec. 7.** Not later than June 30 before the beginning of a school

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year for which a parent seeks a voucher, the student's parent must notify the superintendent of the school corporation of the school selected for the student (or equivalent authority for a nonpublic school, if a nonpublic school is selected) that the parent wishes to enroll the student in the school under the voucher program.

**Sec. 8. (a)** If a parent seeks enrollment of a student in a public school under the voucher program, the superintendent of the school corporation:

- (1) is not required to enroll the student; and
- (2) may not enroll the student if enrollment will cause the school corporation to be out of compliance with a court order, including a court order described in IC 20-8.1-6.5-1.

**(b)** A superintendent shall not refuse to enroll a student in violation of IC 20-8.1-2.

**Sec. 9.** Not later than fourteen (14) days before the first day of the school year, the superintendent (or equivalent authority for a nonpublic school) who receives a notification from a parent under section 7 of this chapter shall notify the parent of the decision concerning enrollment of the student in the school.

**Sec. 10.** The following apply when a student uses a voucher to attend a public school:

- (1) There is no monetary voucher award.
- (2) There is no change in:
  - (A) the ADM of the school corporation; or
  - (B) state assistance to the school corporation.
- (3) The school corporation is not required to provide transportation for the student.

**Sec. 11.** The following apply when a student uses a voucher to attend an accredited nonpublic school:

- (1) The amount of the voucher award is one hundred percent (100%) of the state aid per ADM provided under IC 21-3 to the school corporation where the student has legal settlement.
- (2) The student remains in the ADM of the school corporation where the student has legal settlement.
- (3) The department shall do the following:
  - (A) On behalf of the parent, pay the amount of the voucher to the school that the student attends.
  - (B) Deduct the amount of the voucher from the distribution of state aid to the school corporation where the student has legal settlement.
- (4) The parent of the student is responsible for all costs of the student attending the school that exceed the amount of the

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voucher.

(5) The school corporation where the student has legal settlement is not responsible for providing transportation for the student.

Sec. 12. Except as provided in section 13(b) of this chapter, at the end of each school year the superintendent of the school corporation and the principal of the school that the student attends under the voucher program (or equivalent authorities for a nonpublic school, if the student attends a nonpublic school) shall jointly:

(1) determine whether to enroll the student for the following school year; and

(2) inform the department of the decision.

Sec. 13. (a) The governing body of a school corporation described in section 5(1) of this chapter may adopt a policy that sets guidelines to be used in determining whether:

(1) to accept a student for enrollment under the voucher program; and

(2) to continue a student's enrollment under the voucher program.

(b) Notwithstanding sections 5(5) and 12 of this chapter, a policy adopted under this section may provide that the governing body makes the determination of whether to enroll a student or continue a student's enrollment under the voucher program.

Sec. 14. The department shall establish procedures for the administration of this chapter.

Sec. 15. The department may adopt rules under IC 4-22-2 to implement and administer the voucher program.

SECTION 5. [EFFECTIVE JULY 1, 2001] (a) As used in this SECTION, "department" refers to the department of education established by IC 20-1-1-2.

(b) As used in this SECTION, "school year" has the meaning set forth in IC 20-10.1-2-1.

(c) The department shall grant vouchers under IC 20-8.1-14, as added by this act, beginning with the 2001-2002 school year.

(d) This SECTION expires July 1, 2003.



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